

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 404 & 614
97TH GENERAL ASSEMBLY

1299L.03T

2013

AN ACT

To repeal sections 287.067 and 287.975, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 287.067 and 287.975, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 287.067 and 287.975, to read as follows:

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,
2 unless a different meaning is clearly indicated by the context, an identifiable disease arising with
3 or without human fault out of and in the course of the employment. Ordinary diseases of life to
4 which the general public is exposed outside of the employment shall not be compensable, except
5 where the diseases follow as an incident of an occupational disease as defined in this section.
6 The disease need not to have been foreseen or expected but after its contraction it must appear
7 to have had its origin in a risk connected with the employment and to have flowed from that
8 source as a rational consequence.

9 2. An injury **or death** by occupational disease is compensable only if the occupational
10 exposure was the prevailing factor in causing both the resulting medical condition and disability.
11 The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing
12 both the resulting medical condition and disability. Ordinary, gradual deterioration, or
13 progressive degeneration of the body caused by aging or by the normal activities of day-to-day
14 living shall not be compensable.

15 3. An injury due to repetitive motion is recognized as an occupational disease for
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable only

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 if the occupational exposure was the prevailing factor in causing both the resulting medical
18 condition and disability. The "prevailing factor" is defined to be the primary factor, in relation
19 to any other factor, causing both the resulting medical condition and disability. Ordinary,
20 gradual deterioration, or progressive degeneration of the body caused by aging or by the normal
21 activities of day-to-day living shall not be compensable.

22 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for
23 purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to
24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of
25 producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police
35 officers of a paid police department certified under chapter 590 if a direct causal relationship is
36 established, or psychological stress of firefighters of a paid fire department **or paid peace**
37 **officers of a police department who are certified under chapter 590** if a direct causal
38 relationship is established.

39 7. Any employee who is exposed to and contracts any contagious or communicable
40 disease arising out of and in the course of his or her employment shall be eligible for benefits
41 under this chapter as an occupational disease.

42 8. With regard to occupational disease due to repetitive motion, if the exposure to the
43 repetitive motion which is found to be the cause of the injury is for a period of less than three
44 months and the evidence demonstrates that the exposure to the repetitive motion with the
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer
46 shall be liable for such occupational disease.

287.975. 1. The advisory organization shall file with the director every pure premium
2 rate, every manual of rating rules, every rating schedule and every change or amendment, or
3 modification of any of the foregoing, proposed for use in this state no more than thirty days after
4 it is distributed to members, subscribers or others.

5 2. The advisory organization which makes a uniform classification system for use in
6 setting rates in this state shall collect data for two years after January 1, 1994, on the payroll

7 differential between employers within the construction group of code classifications, including,
8 but not limited to, payroll costs of the employer and number of hours worked by all employees
9 of the employer engaged in construction work. Such data shall be transferred to the department
10 of insurance, financial institutions and professional registration in a form prescribed by the
11 director of the department of insurance, financial institutions and professional registration, and
12 the department shall compile the data and develop a formula to equalize premium rates for
13 employers within the construction group of code classifications based on such payroll differential
14 within three years after the data is submitted by the advisory organization.

15 **3. The formula to equalize premium rates for employers within the construction**
16 **group of code classifications established under subsection 2 of this section shall be the**
17 **formula in effect on January 1, 1999. This subsection shall become effective on January 1,**
18 **2014.**

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